IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5119 of 1993

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SMT. AMINABEN GULABSHA W/O. PETITIONER - Petitioner(s)

Versus

I.S.P.L. IND. - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1 - 1.

NANAVATI ASSOCIATES for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 02/08/2005

ORAL JUDGMENT

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1.0 The petitioner has challenged the award dated 16.11.1992 passed by the Labour Court, Rajkot, in Reference (LCR) No.844 of 1987, whereby the order of

dismissal from service passed by the respondent was confirmed and the respondent was directed to pay an amount of Rs.5,000/- by way of compensation for loss of service to the petitioner within a period of one month from the date of the publication of the award.

2.0 The brief facts of the case are that the petitioner herein was working as a Helper with the respondent Company. It is the case of the petitioner that by letter dated 20.03.1986, the respondent had suspended him from the service and by order dated 27.12.1986 he was dismissed from the service.

2.1 Against the said order, the petitioner filed a reference before the Labour Court, Rajkot. The Labour Court, after hearing the parties and after considering the documents placed before it, passed the impugned award. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The petitioner herein has expired and his legal heirs are brought on record. In the impugned award, the Labour Court has observed that the deceased workman was guilty of the

charge of using abusive language against his superior Officer. The said charge was proved in the departmental inquiry held against him. In my opinion, the Labour Court was completely justified in upholding the punishment of dismissal from the service. Moreover, the Labour Court has awarded an amount of Rs.5,000/- by way of compensation for the loss of service to the deceased workman. I am in complete agreement with the reasonings given by the Labour Court and find no reason to interfere in this petition. Hence, the petition deserves to be dismissed.

4.0 In the result, the petition is dismissed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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